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telecommunications analysts and consultants

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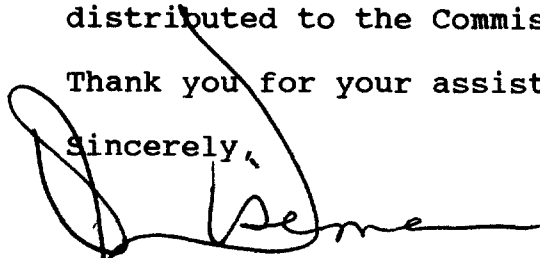
Office of the Secretary
Federal Communications Commission
Washington, DC 20554

RE: Comments on the Replication of 800 Vanity Numbers in
the 888 Prefix.

Please find enclosed one original and ten copies to be
distributed to the Commission.

Thank you for your assistance.

Sincerely,


M. Joe Wiseman
Senior Analyst

cc: Interactive Call Brand
Network Long Distance

No. of Copies rec'd 0+7
List ABCDE

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Senior Analyst
WISE TELECOMMUNICATIONS
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RESPONDING AS INTERESTED PARTY

Telephone No: 318-837-4628
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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

Comments on Proposed Rulemaking Regarding
Replication of 800 numbers in new 888 Prefix, and
Protecting the Value of Existing Vanities

1.

These comments are filed by Joe Wiseman, Senior Telecommunications Analyst of Wise Telecommunications, an interested party, commenting on behalf of clients represented by Wise who possess valuable 800 vanity numbers. Wise requests an exemption from any procedural protocol regarding the proper presentation of comments and further requests that these comments be accepted in the record as presented.

2.

Many of Wise's clients have invested substantial marketing dollars in the promotion and use of their

vanity 800 number. Some clients have filed legal documents to decree their vanity number to be a service mark or trade mark of their respective companies and promote the use of the vanity 800 in every form of marketing pursued by the companies. As such, each has invested time and revenue in establishing their vanity 800 number as the number which represents their business.

3.

Companies with vanity 800 numbers are concerned with mis-dials and confusion which would be caused if replication of existing vanities is not allowed in the new 888 prefix. There is already concern for mis-dials within the 800 prefix and companies have taken steps to address this issue.

4.

Case in point: MCI promotes the vanity 1-800-COLLECT (which numerically is 1-800-265-5328). AT&T promotes the vanity 1-800-CALL-ATT (which numerically is 1-800-225-5288). If replication was not allowed, AT&T could obtain 1-888-265-5328 (888-COLLECT) and MCI could obtain 1-888-225-5288 (888-CALL-ATT). Granted that

neither could market the numbers as such, but both would be able to process the calls accessing these numbers in error, generating further confusion to the consumer when the bill would be received by the consumer at the end of the month.

Further, MCI already acknowledges the proliferation of mis-dials and consumer confusion over 800 vanity numbers. At this time, MCI has obtained 1-800-205-5328 to capture the callers who incorrectly spell the word "COLLECT" with a "zero" instead of an "oh". MCI then went one step further, and obtained 1-800-CALL-COLLECT, to capture the callers confused over the advertising blitzes of 1-800-COLLECT and 1-800-CALL-ATT.

But the most interesting example which demonstrates the concerns of these carriers over dialing errors and confused callers lies with AT&T. An 800 user by the name of The Wooden Boat Store began to receive hundreds of calls daily from persons wanting to make collect calls. Their number? 1-800-225-5205. If you phonetically spell their number out, you will find that it spells 1-800-CALL-COLLECT, except that callers are pressing the "zero" instead of the "oh". Now when you

call the Wooden Boat Store, you have a choice of either placing an AT&T collect call or actually talking to the Boat Store. Presumably the Boat Store is happy with the change, and AT&T is happy to capture MCI's lost traffic.

Intercontinental Florist also capitalized on mis-dials by obtaining 1-800-350-9377, which spells 800-FLOWERS if you mistakenly dial a "zero" instead of an "oh". Without allowing for replication of existing vanities in the 888 prefix, this type of confusion will be much greater. Remember, when a customer makes a mis-dial, such as to Intercontinental Florist's 800 number, the customer does not know that he is not ordering flowers from 1-800-FLOWERS.

5.

There is an undeniable value in vanity 800 numbers. There is even a greater value in obtaining a competitor's number in the new 888 prefix because of the ability to obtain and convert the competitor's customers without any marketing effort. It is an unfair advantage that should not be allowed.

If National Car Rental were to sell the company, a substantial value would be placed on their most well known asset, their vanity number -- 1-800-CAR-RENT.

The same would be true for some of the largest retailers in the country, 1-800-MARSHALLS (who just sold to competitor T. J. Maxx), 1-800-WALGREENS, 1-800-MICHAELS, 1-800-LOVEWORKS, 1-800-ECKERDS, as well as the powerful gambling industry, 1-800-HARRAHS or 1-800-CAESARS.

In the highly-competitive shipping industry, imagine the confusion of calling the following numbers in the 888 prefix and obtaining a company other than the one you intended to call: 1-800-AIRBORNE, 1-800-GO-FEDEX, or UPS' 1-800-PICK-UPS.

The hotel/motel industry will also be affected if there were more than one 1-800-HOLIDAY, 1-800-HILTONS, 1-800-HOTEL-ROOMS or 1-800-DAYS-INN.

While some of the vanities spell the corporate name, others are less descript which would allow for even easier utilization by a competitor. Take for instance

1-800-SERVICE (LDDS Communications); 1-800-INSURE-ME
(The Insurance Group); 1-800-DOCTORS (Doctor Referral);
1-800-LAWYERS (Lawyer Referral); 1-800-FLORIST;
1-800-FLOWERS; 1-800-PLUMBER; 1-800-VOICE-MAIL;
1-800-THE-CARD and 1-800-AIRLINE. 1-800-RENTAL-CAR
would be of less value to Enterprise Rent A Car if
another rental car firm had 1-888-RENTAL-CAR.
1-800-GAMBLER could become 1-888-GAMBLER and go from a
help hotline to a casino reservation number.

6.

The carriers acknowledge that much of the problem
regarding the shortage of 800 numbers arose through the
increased acceptance and use of pagers, car phones, and
residential 800 numbers. However, what the carriers do
not acknowledge is what available technology they could
have implemented to curtail the problem.

Rather than assigning many different 800 numbers to one
customer with only a few dollars of usage each month,
the carriers could have implemented a system where the
customer would receive one 800 (or 888 in the future)
telephone number and numerous pin codes, which could be
used to access home telephones, office telephones,

paggers, car phones, etc. One carrier we are aware of began offering this service but increased the charge per billable minute by 50% thereby eliminating its acceptability. In other words, it was cheaper for the customer to obtain a different 800 number for every pager, car, home and regularly called number than to use technology's advancements.

Carriers have rejected this program of assigning one number with many pin codes because they are aware that overall calling card revenues would be cut dramatically.

One of the reasons companies began assigning 800 numbers to every pager, car phone, office line, employee's home phones, etc., is because the cost of the 800 service was less to use than the charges associated with calling cards. In other words, frequently called numbers were assigned 800 numbers so that travelling employees would not need to use the higher priced calling card as often.

It has been estimated that the implementation of this program could have released 20% of all 800 numbers back

into the available pool. As an example, one of Wise's clients would be able to release ten 800 numbers if this service were offered at standard transport rates.

This program is still viable and could still be implemented to benefit the 800/888 crisis.

7.

Another relief method which could be implemented is the conversion of low-use, non-dedicated-service (also called non-hardwire, or "translated") 800 numbers to the new 888 prefix. This would release thousands of 800 numbers while allowing the residential and pager market to begin generating support and acceptance of the new 888 prefix. It would be easier for the low-volume users to educate their callers that the 888 prefix was "new" and was toll-free.

This would allow for a smoother, and less hurried introduction of the 888 prefix for business use.

Combined with the use of technology as explained in paragraph header #6, a solid approach to the future of the 888 prefix could be forecast and implemented to

prevent shortages similar to the current 800 situation.

8.

Existing users with vanities should be given a 90-day window prior to public release of the 888 prefix, in order to obtain the replicated number in the 888 prefix. Carriers should be required to surrender the replicated 888 number to the customer upon the termination of the 90-day window and upon the verification of ownership of the original 800 vanity.

This verification of ownership shall be accomplished by submitting a copy of the cover page of the current telephone invoice for the 800 vanity. Additional substantiation to verify ownership could occur through the submission of advertising materials which show the 800 vanity number in use.

All carriers would be required to notify all existing 800 customers through billing inserts and notices mailed to customers. These notices would explain the 90-day window and the application process for obtaining an 800 vanity number in the 888 prefix. Because of this cost, carriers should be allowed to charge a

non-refundable fee, \$250.00 perhaps, to offset their costs in notifying existing customers, and in processing the necessary paperwork. This fee would also decrease the number of "novelty" filers.

Any carrier would be allowed to submit a customer's application for a replicated vanity in the 888 prefix. A customer would not be required to submit their 888 application to the same carrier that handles their 800 vanity number.

Carriers would not be allowed to submit applications in their name for any number in the 888 prefix during this initial 90-day window, unless the carrier can show that the 800 vanity is in place and being used by the carrier. For example, if the owner of 1-800-TICKETS did not submit their application for replication within the 90-day window, the carrier would not be allowed to apply for this number on the 90th day in order to stockpile or warehouse this number.

Duplicate filings, or two companies attempting to reserve the same 800 vanity in the new 888 prefix, would be required to submit all documents proving use

and ownership to an arbitration board, along with a deposit to cover arbitration costs, who would hold a hearing and/or issue a ruling on the evidence submitted within thirty days of submission. Carriers would be prohibited from releasing the 888 number in question until a ruling from the arbitration board. The non-victorious party would forfeit their deposit to cover the costs of arbitration.

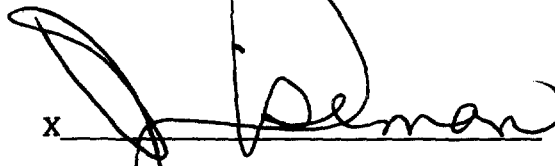
9.

Wise prays that the Federal Communications Commission rules in favor of protecting the rights of existing 800 vanity users by procedurally allowing for the replication of 800 vanity numbers in the 888 prefix.

VERIFICATION

I am submitting these comments on behalf of Wise Telecommunications and on behalf of Wise clients. The statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

Executed on Friday, October 20, 1995, at Lafayette, Louisiana.

A handwritten signature in black ink, appearing to read "M. Joe Wiseman", is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail.

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